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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,779	02/24/2004	Christophe Pomarede	ASMEX.310C1	3768

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EXAMINER

CHEN, KIN-CHAN

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,779	Applicant(s) POMAREDE ET AL.	
	Examiner Kin-Chan Chen	Art Unit 1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected:
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>052704</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Updating the status of U.S. Application No.10/441,642 (the prior application) on page 1 of the specification is required.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 10-20 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the transfer chamber and the process chamber, does not reasonably provide enablement for the first chamber and the second chamber. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Applicant does not have support in the specification for the first chamber and the second chamber except the transfer chamber and the process chamber. **The scope of the claim goes beyond the scope justified by the description of the invention provided in the specification and drawings.**

Double Patenting

3. Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,797,617. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subtle differences in claims are obvious.

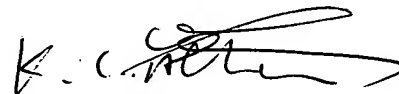
Claim 1 of the application is substantial duplicate of claim 7 of U.S. Patent No. 6,797,617. Claim 7 of U.S. Patent No. 6,797,617 teaches discontinuing the flow of inert gas making "tuning off the inert gas" of claim 1 of the application obvious; Claim 7 of U.S. Patent No. 6,797,617 teaches opening the gate valve after discontinuing the flow of inert gas, making "flowing an inert gas into the process chamber while the gate valve is closed" in claim 1 of the application obvious. Claim 10 of the application is substantial duplicate of claim 1 of U.S. Patent No. 6,797,617. "the transfer chamber" and "process chamber" in claim 1 of U.S. Patent No. 6,797,617 are considered to read on "the first chamber" and "the second chamber" in claim 10 of the application. Claim 16 of the application is substantial duplicate of claim 1 (or claim 21) of U.S. Patent No. 6,797,617. "the transfer chamber" and "process chamber" in claim 1 (or claim 21) of U.S. Patent No. 6,797,617 are considered to read on "the first chamber" and "the second chamber" in claim 16 of the application. "flowing an inert gas" in claim 1 (or claim 21) of U.S. Patent No. 6,797,617 is considered to read on "flowing purge gas" in claim 16 of the application. Through the routine experimentation, the dependent claims (claims 2-9, 11-

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15, and 17-20) of applications are obvious to one with ordinary skilled in the art in view of the processing conditions of dependent claims of U.S. Patent No. 6,797,617.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (571) 272-1461. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 22, 2005



Kin-Chan Chen
Primary Examiner
Art Unit 1765

K-C C